

REAL ESTATE COMMISSION
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii
www.hawaii.gov/hirec

MINUTES OF MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Section 92-7(b), Hawaii Revised Statutes.

Date: Thursday, April 28, 2011

Time: 9:00 a.m.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

Present: Trudy Nishihara, Chair, Broker/Honolulu Commissioner – early departure
Stanley Kuriyama, Vice Chair, Broker/Honolulu Commissioner
Frances Gendrano, Broker/Honolulu Commissioner
Carol Ball, Broker/Maui Commissioner
Scott A. Sherley, Broker/Hawaii Island Commissioner

Neil K. Fujitani, Supervising Executive Officer
Jon Ellis M. Pangilinan, Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Amy Endo, Real Estate Specialist
David J. Grupen, Real Estate Specialist
Cheryl Leong, Condominium Specialist
Benedyne Stone, Condominium Specialist
James Paige, Deputy Attorney General
Karyn Takahashi, Recording Secretary

Others: Patrick Kelly, Esq., Regulated Industries Complaints Office
Gabriel Harvey
Steven L. Walker
Kathy Mannoia
Csaba Meresz
Brian Custer, Esq.
Bruce R. Travis
Penny Sherley

Absent: Donna Apisa, Broker/Kauai Commissioner
Walter Harvey, Broker/Honolulu Commissioner
Michele Sunahara Loudermilk, Public/Honolulu Commissioner
Mark Suiso, Public/Honolulu Commissioner

Call to Order: The Chair called the meeting to order at 9:04 a.m., at which time quorum was established.

Chair's Report: The Chair announced that the Commission may move into executive session to consider and evaluate personal information relating to individuals applying for licensure in accordance with section 92-5(a)(1), HRS, and/or to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities in accordance with section 92-5(a)(4), HRS.

Commissioners Apisa, Harvey, Loudermilk, and Suiso were excused from the meeting. Prior notification of their non-attendance was received.

Executive Officer's Report: The Executive Officer (EO) informed the Commissioners that the original applications with any original associated documents to be considered at the meeting were available for review.

Minutes of Previous Meeting

Upon a motion by Commissioner Gendrano, seconded by Commissioner Sherley, it was voted on and unanimously carried to accept the following amendments to page 9 of the December 16, 2010, minutes:

Sandy Xay

After review of the information presented by the applicant, Commissioner Loudermilk moved to deny the real estate broker license of Sandy Xay, based on sections ~~467-14(a)(3)~~ [467-8(a)(3)] and 436B-19(8), Hawaii Revised Statutes. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

Steven L. Walker

Commissioner Loudermilk recused herself from discussion and voting on this matter.

Commissioners Ball and Sherley noted that they are acquainted with the applicant, but are able to discuss and vote on this matter objectively.

Commissioner Harvey moved to deny the real estate broker license of Steven L. Walker, based on sections ~~467-14(a)(3)~~ [467-8(a)(3)] and 436B-19(8), Hawaii Revised Statutes. Commissioner Apisa seconded the motion. The motion was voted on and unanimously carried.

Upon a motion by Commissioner Gendrano, seconded by Commissioner Sherley, it was voted on and unanimously carried to accept the minutes of the March 24, 2011, meeting.

Committees and
Program of Work:

Education Review Committee – Administration of Examinations – PSI

Specialist Endo reported that information was received from PSI indicating that on March 26, 2011, salesperson examination candidate Sharon Chen was caught writing test questions on a piece of paper she produced from her pants pocket. It was noted that Ms. Chen requested and was allowed to take the exam

under special accommodations due to a medical condition validated by her physician. The following were the special conditions:

1. Paper and pencil exam
2. Exam printed on 11" x 17" paper
3. Time and a half (6 hours) to take the exam

It was reported that the incident was video recorded.

SEO Fujitani stated that in the past, the Commission has issued orders to ban the individual from taking the examination for a period of two years.

It was brought to the Commissioners' attention that Ms. Chen clearly had unauthorized items.

Deputy AG Paige stated that section 16-99-29(e), Hawaii Administrative Rules, gives the Commission the discretion to bar the candidate from any future examinations.

Commissioner Ball stated that the candidate did not follow the examination procedures and appeared to take advantage of her special circumstance.

Commissioner Ball moved to issue a Commission's Proposed Final Order barring examination candidate Sharon Chen from taking the real estate salesperson examination for a period of two years beginning March 26, 2011. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

Licensing –
Ratification:

Upon a motion by Commissioner Gendrano, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to ratify the attached list.

Licensing –
Applications:

The EO informed the Commissioners that the information provided to the Commissioners is related only to the issue that is before the Commission for consideration. The other materials submitted are available for the Commissioners review should they desire to review it. If the applicants have an issue, which is personal in nature, they have the right to request that their application be considered in executive session.

Steven L. Walker

Commissioner Kuriyama recused himself from discussion and voting on this matter.

Executive Session:

Upon a motion by Commissioner Gendrano, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to enter into executive session, pursuant to section 92-5(a)(1), HRS, "To consider and evaluate personal information, relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and pursuant to section 92-5(a)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities."

Upon a motion by Commissioner Ball, seconded by Commissioner Sherley, it was voted on and unanimously carried to move out of executive session.

Commissioner Kuriyama stated that he recused himself as Mr. Walker worked for A&B Properties and he was being ultra-conservative. He stated that Mr. Walker left A&B Properties in 2004 and he has had no business relationship with Mr. Walker. Commissioner Kuriyama stated that he would be able to render an objective decision on this request.

Licensing –
Applications:

Steven L. Walker

In December 2010, the Commission originally denied Steven L. Walker's application for real estate broker license. The applicant disclosed that he had an outstanding tax obligation. The applicant has paid off his tax obligations with the State of Hawaii, Department of Taxation, and has requested a reconsideration of the application denial.

Upon a motion by Commissioner Gendrano, seconded by Commissioner Sherley, it was voted on and unanimously carried to accept the request for reconsideration of Steven L. Walker's real estate broker application. Mr. Walker requested that his request be considered in executive session.

Executive Session:

Upon a motion by Commissioner Gendrano, seconded by Commissioner Sherley, it was voted on and unanimously carried to enter into executive session, pursuant to section 92-5(a)(1), HRS, "To consider and evaluate personal information, relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and pursuant to section 92-5(a)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities."

Upon a motion by Commissioner Ball, seconded by Commissioner Sherley, it was voted on and unanimously carried to move out of executive session.

Licensing -
Applications:

Steven L. Walker

Upon a motion by Commissioner Gendrano, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to take this matter under advisement.

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 10:07 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

**In the Matter of the Real Estate Broker's License of Bruce R. Travis;
REC-2008-228-L**

Mr. Bruce Travis was present and being represented by his attorney Mr. Brian Custer. Mr. Patrick Kelly, Esq., was present representing the Regulated Industries Complaints Office.

Following the Commission's review, deliberation, and decisions in these matters, pursuant to Chapter 91, HRS, the Chair announced that the Commission was reconvening its scheduled meeting at 10:56 a.m.

Licensing –
Applications:

Csaba Meresz

Mr. Meresz was asked if he wished to have his application for real estate salesperson license considered in executive session. Mr. Meresz declined the offer.

Mr. Meresz stated that he has outstanding federal tax obligations and no obligations owed to the State.

Mr. Meresz stated that he is currently a licensed contractor and if granted his real estate salesperson license, plans to work for Elite Pacific Properties.

When asked why he is seeking a real estate license, Mr. Meresz stated that he has been a contractor for many years and is trying to get out of the physical aspect of the business. He plans to continue contracting, but more on the management side of the business and work in real estate for additional income.

Mr. Meresz stated that his contracting specialty is remodeling and he is partners with a cabinet manufacturing company in Vietnam.

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Gendrano, it was voted on and unanimously carried to take this matter under advisement.

Gabriel D. Harvey

Mr. Harvey was asked if he wished to have his request for preliminary decision considered in executive session. Mr. Harvey declined the offer.

Mr. Harvey stated that real estate is his life. He stated that his father was a developer and contractor. Mr. Harvey stated that he loves the business.

Mr. Harvey stated that he has learned from his mistakes and has returned home to Maui to continue his career in Hawaii. He stated that he is currently licensed in Nevada and has no complaints filed against him.

When asked about the cause of his outstanding tax obligation. Mr. Harvey responded that back in 2004, 2005 and 2006 he made in excess of a half million dollars a year. He was referred to a tax consultant and when he was audited by the IRS the tax consultant disappeared and Mr. Harvey had no documents.

Mr. Harvey stated that he acquired a new tax accountant and the accountant obtained proof that all previous year's documents were given to the previous tax consultant.

Mr. Harvey was confident that he will get the debt paid and wants to move in this direction. He stated that he currently owes the IRS \$89,990.93 and he will continue to make his payments. He added that anytime he makes extra money, he puts the money towards his debt.

Mr. Harvey stated that if licensed, he plans to work with Century 21 on Maui.

Mr. Harvey stated that he applied in August or September 2010 for an installment plan with the IRS.

Mr. Harvey stated that he is currently employed at the Four Seasons hotel.

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Gendrano, it was voted on and unanimously carried to take this matter under advisement.

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 11:11 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Real Estate Brokers' Licenses of Nemo Realty, Inc., Mikiko Malasek and Vojtech Malasek; REC-2004-92-L

Patrick Kelly, Esq., Regulated Industries Complaints Office, was present.

Commissioner Kuriyama moved to grant the Petitioner's Request for Oral Argument on Petitioner's Motion for Reconsideration or Clarification of "Commission's Final Order Denying Petitioner's Motion for Partial Summary Judgment and Granting Respondent Vojtech Malasek's Motion to Dismiss or for Summary Judgment", filed on March 28, 2011, and continue the hearing to the May 27, 2011, Real Estate Commission meeting. Commissioner Ball seconded the motion. The motion was voted on and unanimously carried.

In the Matter of the Real Estate Broker's License of Bruce R. Travis; REC-2008-228-L

Commissioner Sherley moved to approve the final order. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

In the Matter of the Real Estate Broker's License of Stephanie K. Coble, aka Molokai Real Estate; REC-2009-288-L

Commissioner Kuriyama moved to approve the final order. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

In the Matter of the Real Estate Salesperson's License of Tracy W. Motelewski; REC-2007-383-L

Commissioner Kuriyama moved to approve the final order. Commissioner Ball seconded the motion. The motion was voted on and unanimously carried.

In the Matter of the Real Estate Brokers Licenses of Poipu Resort Partners, L.P. and Theresa L. Wery; REC-2010-310-L

Commissioner Kuriyama moved to accept the settlement agreement. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

**In the Matter of the Real Estate Salesperson's License of Ricky K. Pa;
REC-2010-187-L**

Commissioner Kuriyama moved to accept the settlement agreement. Commissioner Ball seconded the motion. The motion was voted on and unanimously carried.

Following the Commission's review, deliberation, and decisions in these matters, pursuant to Chapter 91, HRS, the Chair announced that the Commission was reconvening its scheduled meeting at 11:33 a.m.

Executive Session: Upon a motion by Commissioner Gendrano, seconded by Commissioner Sherley, it was voted on and unanimously carried to enter into executive session, pursuant to section 92-5(a)(1), HRS, "To consider and evaluate personal information, relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and pursuant to section 92-5(a)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities."

Upon a motion by Commissioner Gendrano, seconded by Commissioner Sherley, it was voted on and unanimously carried to move out of executive session.

Licensing
Applications:

Malia L.S. Ceda

After a review of the information presented by the applicant, Commissioner Kuriyama moved to approve the real estate salesperson license of Malia L.S. Ceda. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Csaba Meresz

After review of the information presented by the applicant, Commissioner Kuriyama moved to approve the real estate salesperson license of Csaba Meresz. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Regina C. Sha

After review of the information presented by the applicant, Commissioner Kuriyama moved to most likely approve the real estate salesperson license of Regina C. Sha. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

John Walter Fletcher, Jr.

After review of the information presented by the applicant, Commissioner Kuriyama moved to most likely deny the real estate salesperson license of John Walter Fletcher, Jr., unless applicant provides a written proof of payment, written proof of discharge, or an approved written payment plan for all outstanding tax obligations. Commissioner Ball seconded the motion. The motion was voted on and unanimously carried.

Gabriel D. Harvey

After review of the information presented by the applicant, Commissioner Kuriyama moved to most likely deny the real estate salesperson license of Gabriel D. Harvey, unless applicant provides a written proof of payment, written proof of discharge, or an approved written payment plan for all outstanding tax obligations. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Steven L. Walker

After review of the information presented by the applicant, Commissioner Sherley moved to approve the real estate broker license of Steven L. Walker. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Next Meeting: Friday, May 27, 2011
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 11:40 a.m.

Reviewed and approved by:

/s/ Jon Ellis M. Pangilinan
Jon Ellis M. Pangilinan
Executive Officer

May 13, 2011
Date

[X] Approved as circulated.
[] Approved with corrections; see minutes of _____ meeting.

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON APRIL 28, 2011

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Three Brother Enterprises LLC, Green Realty Group Dave Robison, PB	03/17/11
Launiupoko Real Estate Co., Inc. Raymond E. Fuqua, PB	03/28/11
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Westminster Realty, Inc. Thaddeus Vincent Marckesano, PB	03/14/11
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Becky D. Gustafson, Gustafson Real Estate	03/10/11
Wilfred W. C. Lum, W.C. Realty	03/24/11
Charles F. Hosley, Hosley Realty Co.	04/08/11
<u>Trade Name</u>	<u>Effective Date</u>
Nikki O'Rourke, Realtor LLC, Eighteen Properties	02/23/11
Sell-EZ-1 LLC, Nextage Aloha Realty	02/28/11
Sosner & Associates, LLC, Private Homes Hawaii	03/07/11
<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Nani Young-Ran Koroki	03/17/13
Dale Eugene Northup, Jr.	03/17/13
Diane Heffron Larson	03/21/13
Carlotta Lambert	03/28/13
Stephen Michael Read	03/31/13
Joshua Winfield Ord	03/31/13
Stuart Jay Hartman	03/31/13
Claudia L. Smith	03/31/13
Gary Todd Spicer	03/31/13
Elizabeth Jean Slater	04/01/13
Cathy Ann Corrigan	04/01/13
Cydney Michelle Kmeto	04/04/13
Jonathan Mark Saylor	04/04/13
Scott Joseph Anastasi	04/04/13
Mark Anthony Santiago	04/15/13
<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Howard Daniel Dinits	03/15/13
Dale Eugene Northup, Jr.	03/17/13
Diane Heffron Larson	03/21/13
Carlotta Lambert	03/28/13
Joshua Winfield Ord	03/31/13
Stuart Jay Hartman	03/31/13
Claudia L. Smith	03/31/13
Shimon Hamazumi	03/31/13
Malia Erin Kakos	03/31/13
Scott James Hawkins	03/31/13
Gary Todd Spicer	03/31/13
Matthew K. Gabriel	03/31/13
Elizabeth Jean Slater	04/01/13
Cydney Michelle Kmeto	04/04/13

Educational Equivalency Certificate

Jonathan Mark Saylor
Scott Joseph Anastasi
Mark Anthony Santiago

Expiration Date

04/04/13
04/04/13
04/15/13

Real Estate Broker Experience Certificate

Howard Daniel Dinits
Diane Heffron Larson
Jema Geronimo
Nelson Laciste Sales
Stuart Jay Hartman
Claudia L. Smith
Matthew K. Gabriel
Paul Vincent Xavier
Elizabeth Jean Slater
Richard Andrew Slawinski
Xiaohua Achauer
Jamie A. Apuna
Kathy Lynn Grindle
Jonathan Mark Saylor
Scott Joseph Anastasi
Amy Nakamoto Ishikawa

Expiration Date

03/15/13
03/21/13
03/22/13
03/29/13
03/31/13
03/31/13
03/31/13
03/31/13
04/01/13
04/01/13
04/01/13
04/01/13
04/01/13
04/04/13
04/04/13
04/15/13

Real Estate Broker (upgrade)

Mary Keshishian
James T. Davis
Henrie K. Mok
Denis Fuster
Robert J. Rupnow
Annette Mejia
Larry Dreffs
Marty Pozgay
Gregory S. Raap
Heidi Ellyn

Effective Date

02/28/11
03/10/11
03/14/11
03/15/11
03/21/11
03/28/11
03/28/11
03/28/11
03/28/11
03/28/11
03/30/11

Condominium Hotel Operators

Premier Property Services, LLC
Maui Blue Properties, LLC

Effective Date

04/01/11
04/11/11